

60,130-1825; 02MRA0403

REMARKS

Claims 1-9 remain in the application including independent claim 1. Applicant confirms election of claim 1-9 drawn to a method of producing a vehicle interior lining. Claims 10-19 previously withdrawn by the examiner are now cancelled as being drawn to a non-elected invention. New claims 20-29 have been added including independent claim 24. New claims 20-29 are directed to a method of producing a vehicle interior lining.

Claims 1-4 and 6-7 have been amended solely to provide consistent terminology throughout the claims. The amendments to claims 1-4 and 6-7 are not related to any objections or rejections set forth in the current official action.

Claims 1-7 stand rejected under 35 U.S.C. 103(a) as being unpatentable over GB1335098 (GB) in view of JP53059780 (JP '780), JP56086719 (JP '719), DE4130130 (DE '130), and US4062711 to Davis (Davis). For many reasons, this 35 U.S.C. 103(a) rejection based on the recited combination of references is completely improper and must be withdrawn. First, JP '780, JP '719, DE '130, and Davis are non-analogous art. Second, even assuming that any one of these references is analogous, there is no motivation or suggestion to modify GB with the teachings of any of the references. Finally, even assuming proper motivation can be found to support a modification of GB, the combined references do not disclose, suggest, or teach all of the claimed features. Each of these arguments will be fully addressed below.

JP '780, JP '719, DE '130, and Davis are all non-analogous art. The test for analogous art is first whether the art is within the field of the inventor's endeavor and, if not, whether it is reasonably pertinent to the problem with which the inventor was involved. See In re Oetiker,

60,130-1825; 02MRA0403

977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992); In re Wood, 599 F.2d 1032, 1036; 202 USPQ 171, 174 (CCPA 1979). A reference is reasonably pertinent if it logically would have commended itself to an inventor's attention in considering his problem because of the matter with which it deals. See In re Clay 966 F.2d 656; 23 USPQ2d 1058, 1061 (Fed. Cir. 1992).

JP '780, JP '719, DE '130, and Davis are clearly not within the field of the inventor's endeavor. The inventor's field of endeavor concerns vehicle interior roof linings where the lining is soft to provide a desired soft touch, and where the lining provides a decorative layer for an aesthetically pleasing interior surface. The field of endeavor for JP '780 concerns forming decorative sheets that are used for flooring and walling applications, i.e., plywood, particle board, hardboard, etc. The field of endeavor for JP '719 concerns forming a bathtub by molding curing resins and reinforcing fibrous base materials. The field of endeavor for DE '130 concerns forming multi-colored bathroom floor tiles. The field of endeavor for Davis concerns forming skateboards and surfboards. Thus, each of the examiner's modifying references (JP '780, JP '719, DE '130 and Davis) fails the first prong of the analogous art test.

Each modifying reference also fails the second prong of the analogous art test. None of the references are reasonably pertinent to the problem with which applicant was involved. Applicant was seeking to provide a vehicle interior lining that included a layer that could block liquid plastic used to form a foam backing in addition to providing enhanced sound absorption. JP '780 was seeking to print a desired pattern on a floor board or wall board. JP '719 was seeking to provide consistent color for a bathtub made by molding curing resins and reinforcing fibrous base materials buried with a pattern paper. DE '130 was seeking to provide a low cost

60,130-1825; 02MRA0403

method for forming patterns in ceramic floor tiles. Finally, Davis was seeking to provide a continuous pultrusion process where a pattern could be formed within a skateboard or surfboard that could be seen through a layer of resin material.

Clearly, none of these references are reasonably pertinent to applicant's problem because none of these references provide solutions to problems relating to sound deadening or providing an aesthetically pleasing surface for a vehicle interior roof lining. None of these references would have logically commended itself to applicant's attention in considering his problem because of the matter with which it deals. Thus, JP '780, JP '719, DE '130 and Davis each fail the second prong of the analogous art test.

Further, even if any one of these references is considered to be analogous art, the examiner has not provided sufficient motivation or suggestion detailing why one of ordinary skill in the art would seek to modify GB with the teachings of JP '780, JP '719, DE '130 or Davis. The only insight we have regarding the examiner's basis for the 35 U.S.C. 103(a) rejection is the following statement, "it would have been obvious in the art, motivated by the desire to enhance the aesthetic appearance of a resultant impregnated article, to provide a decorative printing onto a surface of a reinforcing fiber layer, because it is well known and conventional in diverse field of art to apply a desired printing pattern on a glass fiber non-woven web as exemplified in the teachings" of JP '780, JP '719, DE '130 or Davis.

First, any references to "printing" are completely irrelevant to the claims. The subject claims are not directed to any type of decorative printing. Thus, any teachings in the references concerning printing of decorative patterns cannot serve as a basis for rendering the claims obvious.

60,130-1825; 02MRA0403

Second, the examiner has not provided sufficient reasoning why GB would be modified to include a decorative layer as set forth in the subject claims. GB is directed to producing a component impregnated with a thermosetting resin such as used in vehicle exterior body panels, boat hulls, seats, furniture, and skis. See column 2, lines 53-57. The examiner has pointed to no teaching in JP '780, JP '719, DE '130 or Davis of any particular benefit to using any of the features of JP '780, JP '719, DE '130 or Davis on an exterior body panel of GB or on a vehicle interior lining. In addition, there is nothing in GB that would have led one of ordinary skill in the art to believe that GB's panel was in any way deficient for GB's purposes or was in need of modification.

The examiner's assertion that it would be obvious to enhance the aesthetic appearance of applicant's claimed vehicle interior lining because it is well known to apply a desired printing pattern to such a lining is completely unsupported. None of the references, not even the base reference (GB), which the examiner seeks to modify, teach a decorative layer for a vehicle interior lining. The examiner is clearly attempting to engage in a hindsight reconstruction of the claimed invention, using applicant's structure as a template and selecting elements from the references to fill the gaps, which is impermissible. However, even this attempt at hindsight reconstruction fails because the references themselves do not teach the claimed invention.

Claim 1 is a method claim that includes the steps of providing a foam backing to a rear side of a intermediate product (formed by joining a decorative layer and a barrier layer) by a back foaming process that includes applying a liquid plastic to the barrier layer such that the barrier layer blocks the liquid plastic to prevent the liquid plastic from penetrating the barrier layer toward the decorative layer.

60,130-1825; 02MRA0403

The examiner argues that GB discloses a barrier layer that is comprised of a resin impregnated foam. The examiner states that while GB does not expressly characterize the resin impregnated foam as a barrier layer, the resin impregnated foam is functionally equivalent to a barrier layer because only a small amount of polyurethane foaming composition penetrates into the foam. Applicant strongly disagrees with this characterization of GB.

GB clearly states, "a small amount of composition will penetrate into the foam sheet and thereby improve anchorage of the polyurethane foam to the other layers." Page 1, lines 63-66. This means that the foaming composition also penetrates through the foam sheet into other layers. Thus, the foam sheet does not and cannot represent a barrier layer to the foaming composition because it does not block the foaming layer from contacting an adjacent layer.

The examiner also admits that it is unclear whether an outer reinforcing layer as taught by GB can reasonably be considered to be a decorative layer. The outer reinforcing layer cannot be considered to be a decorative layer as defined within the claims. The claims are directed to a vehicle interior lining having a decorative layer, a barrier layer, and a foam backing. GB is directed to the formation of exterior vehicle body panels, boat hulls, seats, furniture, and skis. GB has nothing to do with vehicle interior linings, and certainly does not teach a vehicle interior lining with a decorative layer. Traditionally, reinforcing layers for components such as those disclosed in GB have always had decorative materials (textiles, plastic foils, etc.) that were separately attached to provide a desired appearance. There is absolutely no teaching in GB or any of the modifying references to form a vehicle interior lining as set forth in the subject claims.

60,130-1825; 02MRA0403

Finally, GB discloses that the resin impregnated foam sheet and the fibrous reinforcing layer are compressed so that resin is expelled from the sheet into the fibrous reinforcing layer so as to impregnate the fibrous reinforcing layer with resin. This is contrary to the claimed invention.

Claim 1 requires the barrier layer to block the liquid plastic to prevent the liquid plastic from penetrating the barrier layer toward the decorative layer. This is an important feature because an impregnation of the barrier layer or the decorative layer should be avoided. If the barrier layer were to be impregnated with the liquid plastic, the sound deadening characteristics of the barrier layer would be adversely affected. If the decorative layer were to be impregnated with the liquid plastic, the aesthetic appearance of the vehicle interior lining would be adversely affected. The method taught by GB does not satisfy either of these conditions. GB simply does not teach the formation of applicant's claimed barrier layer.

Claim 8 stands rejected to under 35 U.S.C. 103(a) as being unpatentable over the references used in the rejection of claims 1-7 and further in view of US6499797 to Bohm et al. (Bohm). For the many reasons set forth above, the rejection of claims 1-7 is improper. Bohm does not make up for the deficiencies of the base rejection.

Claim 9 stands rejected to under 35 U.S.C. 103(a) as being unpatentable over the references used in the rejection of claims 1-7 and further in view of US5230855 to Kazgarzadeh et al. (Kazgarzadeh). For the many reasons set forth above, the rejection of claims 1-7 is improper. Kazgarzadeh does not make up for the deficiencies of the base rejection.

60,130-1825; 02MRA0403

For the reasons set forth above, applicant respectfully requests that all rejections under 35 U.S.C. 103(a) be withdrawn. Applicant asserts that the present application is in condition for allowance, and a Notice to that effect is earnestly solicited. Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,

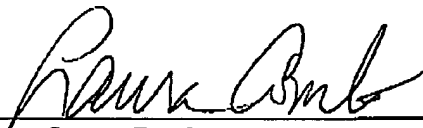


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CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States patent and Trademark Office, fax number (703) 872-9306, on January 18, 2005.



Laura Combs